

FILED IN CLERK'S OFFICE
U.S.D.C. - Gainesville

MAY 13 2019

JAMES N. HATTEN, Clerk
By: *DR* Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TONY L. WARE,

Plaintiff,

v.

FIDELITY ACCEPTANCE
CORPORATION,
Defendant.

CIVIL ACTION NO.


1:99-CV-848-RWS

ORDER

This case is before the Court for consideration of Plaintiff's Motion of a Writ of Execution [30]. Plaintiff requests that the writ include post judgment interest and an additional party that was not previously named in the case. First, as to post judgment interest, the Court finds that pursuant to 28 U.S.C. § 1961, as it was in effect in 1999, the proper rate of post judgment interest is 4.966%. Second, inclusion of Wells Fargo USA Holdings, Inc. as a party defendant is not supported by the existing record in the case.

Based on the foregoing, the Clerk is ordered to issue a Writ of Execution in favor of Plaintiff against Fidelity Acceptance Corporation in the sum of \$502,082.10, representing the original judgment issued July 30, 1999 in the sum of \$253,158.98 plus interest through May 13, 2019 of \$248,923.12.

SO ORDERED this 13th day of May, 2019.


RICHARD W. STORY
United States District Judge